

LABOR ASKS ICE PLANT BE NOT CLOSED DOWN

**Council Told Unemployment
Will Be Worse Than the
Alleged Noises.**

12-13-21
The Union Ice Company bobbed up again in the city council today, when William A. Spooner and a delegation from the Central Labor Council appeared and pleaded that steps be taken to prevent the plant from closing down and throwing men out of work.

The plant at Twenty-second and Filbert streets recently announced it would quit, after nearby residents had for months complained against its alleged noises and vibrations. Engineers and ice wagon drivers today received notice that their employment would cease.

"While there may be some justification for complaints," said Spooner, "there is a greater danger from unemployment just now. There are hundreds out of work. This company employs 26 persons. That is not much, but if a hysteria goes around town for the elimination of noises in industrial plants a greater numbers of persons will be ultimately involved."

"We have been trying to work out this ice plant situation for months," said Commissioner Colbourn. "The residents in that neighborhood say they will be satisfied if an electric drive is installed. If that is done I am willing to go on record that this will be the end of the trouble."

Spooner and the delegation will interview the ice company officials.

The council passed to print an ordinance establishing the market district on the center line of Sixth street and not on the north side, as heretofore. A petition by the residents of Pleasant Valley court for a single family residence zone was referred to the city planning committee.

ICE PLANT WILL CLOSE TO AVOID NOISE LITIGATION

**Union Company Officials,
Ordered to Stop Vibra-
tions, Halt Work.**

12-13-21
The Union Ice Company's plant at Twenty-second and Filbert streets has closed down.

Formal notification of this fact was sent Commissioner Frank Colbourn today by Robert M. Fitzgerald, attorney for the ice company, who hints that constant agitation centering around that plant for months has led to a decision to close it.

The machinery will be run for a portion of each day to preserve the ice on hand, says Fitzgerald, who promises to notify the commissioner in case the plant starts up. Fitzgerald, in explaining the attitude of the company, says: *11-46-21*

"We are not willing to go into litigation with city authorities to conduct a legitimate business."

COMPLAINTS MADE

The letter follows an announcement by Colbourn about a week ago that after months of fruitless negotiation he had decided to take some action to eliminate the vibrations and noises which, it was alleged, kept the whole neighborhood awake. The decision was made after reams of correspondence had gone between the ice company officials, the neighboring residents and the commissioner.

After a hearing more than a month ago engineering experts said that the noises could be stopped by some changes in the ice plant's machinery. Neighbors, however, asserted that **there was no real improvement** and flooded Colbourn's office with complaints that the vibration from the ice plant was so bad that even electric light globes could not survive in nearby homes.

COLBOURN'S PURPOSE

In response to Fitzgerald's letter that the company will not "go into litigation to conduct a legitimate business," Colbourn asserted that it was not his intention to suppress any legitimate business, but merely the noises.

"I have favored and always will favor, legitimate business," says Colbourn. "For weeks I was careful about this plant, not wanting to take summary action. I did not move until the whole neighborhood was in arms, and I am sorry that the plant has shut down; but the protests have been so universal that they showed that the residents were suffering keenly from the noises and vibrations."

Motor Urge As Cure 1 Noisy Pl

The residents near the Ice Company plant will still insist that there will be no more complaints about noise and vibration if the plant will install a noiseless electric motor in place of its high-pressure gas-engine.

This was asserted in a letter received last night by Commissioner Frank Colbourn from Attorney A. P. Stiefvater, representing the protestants, in answer to a recent city council petition by labor leaders against closing down this plant and throwing men out of employment.

12-17-21
Stiefvater says:

"It was a good deal out of the way for the labor leaders to refer to the protests of fifty or more residents as 'hysteria,' especially as they have suffered these noises for years. But the residents do not wish to drive any industry out of business. In fact, the suggestion about shutting down the plant has come from company officials themselves.

"If an electric drive is installed, we can definitely promise that the grounds of protest will have been removed.

"As for shutting down the plant, we doubt if a profitable plant will be shut down in any line of business. We believe it is all a question of business, and not noise."

Colbourn asserts that if the compromise can be reached he will be "much relieved."

COLBOURN USES PROD TO MAKE ICE PLANT ACT

Protests Against Delay in Placing Mufflers On Gas Engines.

A letter asking that the Union Ice Company hasten alterations at its plant at Twenty-second and Filbert streets was sent to Attorney R. M. Fitzgerald of the company today by Commissioner Frank Colbourn. The letter is one of the results of a conference some weeks ago between the commissioner, ice officials and residents near the plant who complained against continuous vibration caused by the heavy gas engines working all night.

An ordinance was recently prepared against the operation of industrial plant gas engines between 10 p. m. and 6 p. m., but this was not found satisfactory because an ice plant cannot allow its machinery to stop and its temperature to rise without undue loss. The ordinance was held also to be too drastic, as it tended to handicap industries of many sorts. *9-5-21*

As a cure for the ice plant situation, the officials of the Union Ice Company agreed to "put mufflers on the machinery" in various ways, as gas engine experts had suggested that alterations could nearly eliminate the noise. Colbourn says he has been watching closely for developments since then, but has not seen any worth mentioning.

"We wish to give the ice company every legitimate chance to operate," says Colbourn. "On the other hand, the rights of the residents must be guarded. I hope to see action very soon."

In case there is no action Colbourn still has the power to abate a nuisance, if an industrial plant can be termed a nuisance, but it is not believed that the matter will come to this last resort.

Ice Plant Reports Quietus On Noises

The Union Ice company's manufacturing plant at Twenty-second and Filbert streets, which caused a recent furor because of an ammonia tank explosion which culminated in noises and vibrations that have made residents complain, is now in a better condition and should not alarm neighbors, according to a letter received today by Commissioner Frank Colbourn from R. M. Fitzgerald, attorney for the ice plant. Colbourn referred the matter to Attorney A. P. Stieffvater, representing the protestants.

Fitzgerald's letter invites an inspection of the quieted plant by city officials. *10-15-21*

"I hope it is all right now," says Colbourn. "That ice plant row has been one of my worst experiences since taking office."

COMPLAINT ON ICE PLANT WILL BE INVESTIGATED

Committee Chosen To Make Report As To Noise And Vibration.

As the result of a meeting of public officials, gas engine experts, manufacturing heads and citizens in Commissioner Frank Colbourn's office, Colbourn and Acting City Attorney Leon Gray will appoint a committee which will inspect the operation of the Union Ice company in west central Oakland and report on the alleged nuisance because of noise and vibration.

Immediate action will be taken thereafter, according to Colbourn.

The meeting yesterday was a result of the recent introduction of a city council ordinance which was aimed to halt the operation of all gas-engine plants between 10 p. m. and 6 a. m., when they are operated within 200 feet of residences. The ordinance was a direct result of continuous complaints against the ice company.

CARE IS URGED.

Irate residents and representatives of the ice company were both present. Joseph E. Caine of the Chamber of Commerce pointed out that unless care is taken the ordinance will tend to discourage industry in Oakland.

Robert M. Fitzgerald intimated that if the action against the ice company is too drastic, the ice company will close its doors in Oakland.

MIght CLOSE PLANT.

"We believe this ordinance to be discriminatory," he said. "We are willing to make every possible concession toward our neighbors and toward the city, but if we find the action of the city is impossible to meet we will close the plant."

After the general meeting, according to Colbourn, gas engine experts said that they believed that corrections could be made in the ice plant which would eliminate nearly all of the noise and vibration. This, said Colbourn, is just what he wants.

CITY ACTS TO SMOOTHER ICE PLANT NOISES

Protests Declared Ignored, Council Orders Action Be Brought To Abate Nuisance — Vibrations Cause Distress

Alleging that the Union Ice company at Twenty-second and Filbert street has done little to suppress its noise and vibrations in spite of many protests, Commissioner Frank Colbourn today introduced a resolution directing the city attorney to bring an action to abate the nuisance. The council adopted the resolution unanimously. *11-17-21*

"I was informed by Attorney R. M. Fitzgerald that the manager of the plant would take up the matter with me," said Colbourn, "but the city attorney informs me that no action has been taken and now the council should do something."

In an interview later, Colbourn said he had endeavored to be patient rather than disturb a valuable Oakland industry, but asserted that four months of negotiations had been fruitless.

"The vibration of that plant," he says, "is such that electric light globes in nearby houses cannot function. Engineers have stated that improvements in the machinery of the plant could make it run more silently, but the complaints continue, and apparently the defects have not been corrected in spite of many promises. Now it is time to take action."

The council received from the board of education a request that Filbert street be closed between Twenty-sixth and Twenty-eighth streets in order to give land for the new Vocational high school building. The matter was referred to the commissioner of streets.

Mystery surrounds the circumstances of the finding of a cigar-box containing nine sticks of dynamite and several fulminating caps in a vacant lot adjoining the plant of the Union Ice Company at Twenty-second and Filbert streets, by a five-year-old boy this afternoon. The box of explosives which, if set off, was sufficient to blow up the entire plant, was taken in charge by Inspectors Thomas Gallagher and Tom Wood and it will be destroyed under the direction of the street department. *10-3-17*

The find was made by Paul Eschenamer, son of Joe Eschenamer, who lives at 1009 Twenty-second street. It was lying in the lot alongside a quantity of scrap iron and refuse.

There were no fuses attached and the police believe that the dynamite was discarded by some party who had become frightened in their intent to use it for ulterior purposes. A searching inquiry is to be made.

Injunction to Check Ice Plant Noises Authorized

Following receipt of information that the Union Ice Company's plant at Twenty-second and Filbert is about to resume operations immediately, the City Council this morning authorized the city attorney to bring an injunction suit in the courts against it.

The ice company closed after a long controversy where neighbors alleged that the plant's noises and vibrations shook the district and constituted a public nuisance. In its notice of resumed operations the ice company told the city officials that it will install its noiseless electric machinery within 90 days. But meanwhile, asserted Commissioner Frank Colbourn to the Council, it will make the same racket as before.

"We'll have the same old trouble," agreed Mayor Davie.

"Let them put in the new machinery before they start," said Commissioner Carter. This was unanimously agreed to by the Council.

The dog-poop license of Enoc Nelson at 3852 East Fourteenth street was revoked by the Council at the suggestion of Police Chief Drew, who charged that Nelson has violated the prohibition laws several times. *1922*

A resolution of intention was adopted for the improvement of Walnut street from Nineteenth to Ninety-sixth avenues.

The contract for further alterations of the sixth floor of the City Hall was awarded to Schnebley & Hostawser.

ICE FACTORY ALLEGED TO BE NUISANCE

Residents of West Oakland Protest Against Noise And Council Seeks Means To Afford Relief For Them

Acting City Attorney Leon Gray today notified the city council that the alleged nuisance at the Union Ice Company's plant can be modified by ordering the ice company officials into the council for a hearing, and then empowering some official to abate the nuisance if thought advisable. The matter was finally referred to the commissioner of public health and safety for investigation.

A pipe at the ice plant recently exploded, causing a detonation which rocked central West Oakland. Neighbors have continually complained against the alleged vibration and noise of the plant's machinery, which works twenty-four hours a day.

Gray advised the council that it might make up an ordinance to fit the annoyance, after a special study. He said that care must be taken lest the industry be harmed, and asserted that the cause of the nuisance should be fully determined and then an ordinance should be drawn which would eliminate the nuisance without eliminating or crippling the plant. *6-11-21*

A set of rules and order of business for the Council was introduced by Mayor Davie and adopted. The rules are about the same as the old ones used by the former administration. Among other things it gives the Mayor, as chairman, the authority to impose a \$40 fine on any member who uses insulting or disrespectful language, or who refuses to accept the warnings from the chair in such cases.

The trade extension committee of the Oakland Chamber of Commerce appeared before the Council and asked that it attend the Rodeo at Concord Saturday. Mayor Davie pointed out that the Council already has accepted a Hayward invitation for Saturday, but the committee said Oakland's time at Hayward will be tomorrow night. A final decision will be reached tomorrow.

Vehement protests by a group of property owners on Rosedale avenue against proposed street improvements were silenced when it was found that work on most of this street is now under way and the property owners only represent small strips.

"We can't pave the street in small portions," said Commissioner Bacus. "Fifty-seven per cent of the property owners have signed up and the work is now being done. It cannot very well be stopped."

Water Waste OK'd

NOV 17 1977

By FRED GARRETSON

The Bay Area Regional Water Quality Control Board has somewhat reluctantly approved a plan under which 33,000 gallons per day of clean, potable water will be dumped down a storm drain in West Oakland by the Union Ice Company.

Union Ice used to put this so-called waste water into the sanitary sewers, but after the East Bay Municipal Utility District established new sewer discharge fees (in compliance with federal law) the company decided it would be cheaper to put the ice water into the storm sewers.

The company needed a permit from the regional board because a discharge of this size—equivalent to a good-sized creek flow—is regarded as an industrial discharge into San Francisco Bay.

The ice plant is at 2210 Filbert St.

Dr. Teng-chung Wu, a staff member for the regional board, said, "The discharge will consist of potable water used for non-contact cooling, ice-making process water, and defrosting water from freezer coils (i. e., atmospheric condensate). No chemical is added to any of these waters other than an algicide to the non-contact cooling water."

He said the staff has studied the algicide and "has determined that it will not be deleterious to the receiving waters (of the bay)." All other waste water from the plant, including domestic sewage, is discharged to the sanitary sewer, he said.

Wu, whose reports to the board describe the ice plant discharge as "potable water," said, "This is a real shame. High-quality drinking water is being dumped down a storm drain in the middle of the drought."

Fred Dierker, executive officer of the regional board, said he directed his staff to investigate what can be done to conserve water in this sort of situation.

Regulations now in effect in the Eastbay and Marin County require the use of reclaimed sewage for some landscape watering and compaction of dirt at building sites. Yet at the same time, Dierker noted, acting within the rules under a perfectly

logical and legal request authorized dumping of 33,000 gallons per day potable drinking water down a storm drain into the Bay.

Sewage discharge fees charged by EBMUD are based on the relative strength and difficulty of treatment of the waste water being dumped into sanitary sewer lines by different kinds of industries. EBMUD originally planned to require Union Ice Company to pay at an expensive rate, but when the district found out the discharge consisted of potable drinking water, the utility district decided to levy a bill of only 10 cents per 1,000 gallons, or \$3.30 per day, for the water going into the sanitary sewers.

However, the ice-maker decided the cost would be even less if the melt water was put into the storm drains, even though the company will have to pay the cost of making special tests of the water every two months.

RESIDENTS CAN'T SLEEP; CITY SUES UNION ICE PLANT

Injunction Asked and Company Officials Cited; Steady Noise, Is Charge.

The city of Oakland today asked the superior court for an injunction restraining the Union Ice company from operating its plant at Twenty-second and Filbert streets in such a manner as to disturb the sleep of residents in that vicinity.

An order citing officials of the ice company into court next Friday to show cause why the injunction should not be granted was immediately issued to Assistant City Attorney John Jewett Earle by Superior Judge Koford. *2-3-22*

Earle recites that the internal combustion engines at the ice plant, running twenty-four hours a day, have caused rapid, violent and uninterrupted atmospheric vibrations, and loud, offensive and continued noises. The result has been, he says, that residences throughout the entire block and portions of adjacent blocks have been violently and continuously shaken and racked, and their occupants have been unable to sleep.

RACKET AT ICE PLANT WILL GO, COUNCIL AVOWS

Electric Machinery to Replace Old Gasoline Engine in Ninety Days.

The Union Ice Company plant at Twenty-second and Filbert is now operating at full blast and, though neighbors say the noise is just as bad and nerve-racking as before, the city officials assert that the racket will soon be over and peace will reign in central-west Oakland.

After a conference with City Attorney Leon Gray, Commissioner Frank Colbourn announced today that no immediate action to halt operations will be started. The city has been given guarantees that the electric drive machinery will replace the old Diesel engine within ninety days. *2-16-22*

"The company has the ninety days to make good," Colbourn said today. "We believe they will do it. In case this should not be done, we will promptly introduce and pass an ordinance forbidding the noisy type of engine to operate in Oakland under any circumstances, and terming such machines a nuisance."

"We do not want to drive industries out of town. We are very patient, as the ice company officials will probably admit; but we cannot submit residents to such noises, either. The final answer will come in ninety days."